

## **II. Remarks**

Claims 1-3, 6, 8-16, 18-21, 24, 26-34, 36-39, 42, 44-52 and 54-57 are pending in the application. Claims 3 and 39 have been withdrawn, claims 4, 5, 7, 17, 22, 23, 25, 35, 40, 41, 43, and 53 have been cancelled, and claims 1, 2, 6, 8-16, 18-21, 24, 26-34, 36-38, 42, 44-52, and 54-57 have been rejected. In view of the remarks provided herewith, the Applicant respectfully requests reconsideration and withdrawal of all rejections.

### **Interview with Examiner**

Applicant sincerely thanks the Examiner for the telephonic interview conducted with Applicant's representative on December 16, 2008. Applicant sincerely hopes that the discussion of the claims and issues will result in a greater understanding of the positions taken by both parties and an early resolution thereof.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 6, 8-16, 18-21, 24, 26-34, 36-38, 42, 44-52, and 54-57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,108,418 to Lefebvre (Lefebvre), in view of U.S. Patent No. 7,147,649 to Thomas (Thomas). This rejection is respectfully traversed.

"[O]ne must determine whether the invention would have been obvious at the time the invention was made. MPEP § 2106(VI). If not, the claimed invention satisfies 35 U.S.C. 103. *Id.* Therefore, "USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation." MPEP § 2106(II)(C).

"[W]hen evaluating the scope of a claim, every limitation in the claim must be considered. USPTO personnel may not dissect a claimed invention into discrete

elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered. MPEP § 2106(II)(C). "To support a *prima facie* conclusion of obviousness, the prior art must disclose or suggest all the limitations of the claimed invention." *Ex part Gleave*, 84 USPQ2d 1681, 1686 (Bd. Pat. App. & Inter. 2006) (citing *In re Lowry*, 32 F.3d 1579, 1582, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994)); see also *Regent Jack Mfg. Co. v. United States*, 130 USPQ 235, 238 (U.S. Claims Ct. 1961) (claims were not obvious when the cited patents failed to disclose each and every element individually or in the combination specifically recited in the claims); see also *Ex parte Wikdahl*, 10 USPQ2d 1546, 1549 (Bd. Pat. App. & Inter. 1989) (The references cited by the Examiner failed to meet all the limitations of the claim, therefore the rejection thereof under § 103 was reversed); see also *Ex parte Alexander*, 86 USPQ2d 1120, 1122 (Bd. Pat. App. & Inter. Nov. 30, 2007) (reversing the Examiner's rejections under § 103 because the Examiner did not identify all the elements of claim 1 nor provide a reason for combining the references). "[A]ll limitations must be considered and ... it is error to ignore specific limitations distinguishing over the references." *In re BOE and DUKE*, 184 USPQ 38, 40 (CCPA 1974).

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (reversing the Board's obviousness determination because it ignored a term in the claims, and the ignored limitation was not found in the cited references). Moreover, the relationships between the elements must be considered in order to determine whether a claim would have been obvious in view of the prior art. See, e.g., *Eastern Rotorcraft Corp. v. United States*, 154 USPQ 43, 45 (U.S. Claims Ct. 1967) (the recited spatial and functional relationships of the claim would not have

been obvious because these relationships were nowhere suggested in the cited prior art); *see also Panduit Corp. v. Dennison Mfg. Co.*, 227 USPQ 337, 344 n. 18, 345 (Fed. Cir. 1985) (finding of obviousness was erroneous when the particular characteristics and relationships of the claimed elements were not found in the prior art); *see also In re Lowry*, 32 USPQ2d, at 1035 (the claimed invention was not obvious over the cited reference because the cited reference did not disclose or suggest the claimed organization of information and its interrelationships).

Applicant respectfully asserts that Lefebvre and Thomas, even in combination, fail to teach all the limitations of independent claims 1, 20, and 38, and therefore, these references even in combination fail to render these claims obvious. For example, claims 1, 20, and 38 recite that the secondary struts are connected to and contact the curved members of the primary struts. This relationship between the primary and secondary struts is not taught, suggested, or disclosed in Lefebvre or Thomas. To the contrary, Lefebvre does not teach any secondary struts at all. Thomas shows only straight primary struts, and thus Thomas also fails to disclose the limitation that the secondary struts are connected to and contacting the curved members. Since Thomas and Lefebvre even in combination fail to disclose all of the elements of claims 1, 20, and 38, Applicant respectfully asserts that these references fail to render claims 1, 20, and 38 unpatentable over the art of record. Accordingly, claims 1, 20, and 38 are in condition for allowance, and such action is respectfully requested. Further, since claims 2, 6, 8-16, 18, 19, 21, 24, 26-34, 36, 37, 42, 44-52, and 54-57 are generally dependent from one of claims 1, 20, and 38, these claims are also in condition for allowance, and such action is respectfully requested.

In addition to the reasons given above, claim 2 is further patentable over the art of record because claim 2 recites that the secondary struts extend radially from each side of one primary strut. The elements 22-1c' and 22-1c'' of Thomas extend parallel to a longitudinal axis, not in a radial direction from the support arm portions 12. Likewise, the elements 22-1c' and 22-1c'' are parallel to each other and do not extend radially from each side of the primary strut (Col. 4, lines 36-39). Furthermore, claim 2 recites that a set of at least two secondary struts is connected to one primary strut. To the contrary, Thomas shows a single inner anchoring arm 22-1c of the anchoring arm 22c that is split longitudinally so as to form parallel portions 22-1c', 22-1c''. *Id.* In other words, Thomas has only one arm with two portions connected to one arm 12, rather than a set of two secondary struts connected to one primary strut as claimed.

Likewise, in addition to the reasons given above, claim 57 is further patentable over the art of record because claim 57 recites that the secondary strut forms a continuation of the single curve of the primary strut. The secondary struts of Thomas do not form a continuation of a single curve of a primary strut, and Lefebvre also fails to teach such limitation in its written description and figures. Furthermore, Lefebvre and Thomas fail to teach the limitation of claim 57 that the secondary strut extends from and is in radial alignment with the primary strut. As outlined above, it would be erroneous to ignore the structure of these elements and the interrelationships that they define between the primary and secondary struts. Therefore, claim 57 is patentable over Lefebvre and Thomas for at least these reasons.

**SUMMARY**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot, and that pending claims 1-3, 6, 8-16, 18-21, 24, 26-34, 36-39, 42, 44-52, and 54-57 as amended, are patentable. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned at (734) 302-6022.

Respectfully submitted,

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Date

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